

State of New Hampshire Banking Department

In re the Matter of:) Case No.: 07-032
)
State of New Hampshire Banking) Order to Show Cause
)
Department,)
)
Petitioner,)
)
and)
)
Accent Capital Company, LLC,)
)
Respondent)
)

NOTICE OF ORDER

This Order commences an adjudicative proceeding under the provisions of
RSA 397-A:17, RSA 541-A and BAN 200.

LEGAL AUTHORITY AND JURISDICTION

Pursuant to RSA 397-A:17, the Banking Department of the State of New Hampshire (hereinafter the "Department") has the authority to issue an order to show cause why license revocation penalties for violations of New Hampshire Banking laws should not be imposed.

Pursuant to RSA 397-A:21, the Commissioner has the authority to suspend, revoke or deny any license and to impose administrative penalties of up to \$2,500.00 for each violation of New Hampshire banking law and rules.

NOTICE OF RIGHT TO REQUEST A HEARING

The above named respondent has the right to request a hearing on this Order to Show Cause, as well as the right to be represented by counsel at the Respondent's own expense. All hearings shall comply with RSA 541-A. Any such request for a hearing shall be in writing, and signed by the respondent or the duly authorized agent of the above named respondent, and shall be delivered either by hand or certified mail, return receipt requested, to the

1 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH
2 03301. Such hearings will be scheduled within 10 days of the request. If the
3 Respondent fails to appear at the hearing after being duly notified, such
4 person shall be deemed in default, and the proceeding may be determined against
5 the Respondent upon consideration of the Order to Show Cause, the allegations
6 of which may be deemed to be true. Respondents are entitled to at least 30
7 days' notice regarding the hearing date.

8 If the Respondent fails to request a hearing within 30 calendar days of
9 receipt of such order or reach formal settlement with the Department within
10 that time frame, then such person shall likewise be deemed in default, and the
11 orders shall, on the thirty-first day, become permanent, and shall remain in
12 full force and effect until and unless later modified or vacated by the
13 commissioner, for good cause shown.

14 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

15 The Staff Petition dated March 15, 2007 (a copy of which is attached
16 hereto) is incorporated by reference hereto.

17 **ORDER**

18 WHEREAS, finding it necessary and appropriate and in the public
19 interest, and consistent with the intent and purposes of the New Hampshire
20 banking laws, and

21 WHEREAS, finding that the allegations contained in the Staff Petition,
22 if proved true and correct, form the legal basis of the relief requested,

23 It is hereby ORDERED, that the Respondent shall show cause why:

24 1. Administrative penalties of \$2,500.00 should not be imposed;

25 and

2. Respondents license should not be revoked; and

It is hereby ORDERED that:

3. Respondent shall pay \$421.00 in examination fees immediately;

and

4. Failure to request a hearing within 30 days of the date of receipt of this Order shall result in a default judgment being rendered, license revocation and administrative penalties imposed upon the defaulting Respondent.

SIGNED,

Dated: 3/15/07

/S/
PETER C. HILDRETH
BANK COMMISSIONER

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

20
21
22
23
24
25

I. The Staff of the Banking Department, State of New Hampshire (hereinafter referred to as the "Department") alleges the following facts:

2. Respondent was licensed as a Mortgage Broker and at all times relevant to this action held a Department license since at least 2000.

4. A second invoice was sent to the Respondent on April 7, 2006.

5. A third invoice was sent to the Respondent on May 9, 2006.

1 6. On December 29, 2006 the Department sent a warning letter to the
2 Respondent.

3 7. To date, the Respondent has not paid the outstanding invoice.
4

5 **ISSUES OF LAW**

6 II. The staff of the Department, alleges the following issues of law:

7 1. The Department realleges the above stated facts in paragraphs 1
8 through 7.

9 2. The Department has jurisdiction over the licensing and
10 regulation of persons engaged in mortgage banker and broker
11 activities pursuant to NH RSA 397-A:3.

12 3. Pursuant to New Hampshire Banking law, RSA 397-A:12 the
13 Department may examine the business affairs of any licensee or
14 any other person, whether licensed or not, as it deems necessary
15 to determine compliance with this Chapter and the rules adopted
16 pursuant to it and with the Consumer Credit Protection Act, as
17 amended (15 U.S.C. 1601 et seq.).

18 4. RSA 397-A:12 provides that licensees are to pay the costs of
19 examinations.

20 5. RSA 397-A:21 IV provides that any person who, either knowingly
21 or negligently, violates any provision of Chapter 397-A, may
22 upon hearing, and in addition to any other penalty provided for
23 by law, be subject to an administrative fine not to exceed
24 \$2,500, or both. Each of the acts specified shall constitute a
25 separate violation, and such administrative action or fine may

1 be imposed in addition to any criminal penalties or civil
2 liabilities imposed by New Hampshire Banking laws.

3 **RELIEF REQUESTED**

4 III. The staff of the Department requests the Commissioner take the
5 following Action:

- 6 1. Find as fact the allegations contained in section I of this
7 petition;
- 8 2. Make conclusions of law relative to the allegations contained
9 in section II of the this petition;
- 10 3. Order Respondent to Show Cause why its license should not be
11 revoked;
- 12 4. Assess fines and administrative penalties in accordance with
13 RSA 397-A:21, for violations of Chapter 397-A, in the number
14 and amount equal to the violations set forth in section II of
15 this petition; and
- 16 5. Order the Respondent to pay the exam fee pursuant to RSA 397-
17 A:12.
- 18 6. Take such other administrative and legal actions as necessary
19 for enforcement of the New Hampshire Banking Laws, the
20 protection of New Hampshire citizens, and to provide other
21 equitable relief.

22
23
24 **RIGHT TO AMEND**

25 IV. The Department reserves the right to amend this Staff Petition and
to request that the Commissioner take additional administrative

action. Nothing herein shall preclude the Department from bringing additional enforcement action under RSA 397-A or the regulations thereunder.

Respectfully submitted by:

/S/

James Shepard
Staff Attorney

3/15/07
Date